

**Remarks:**

Applicant has studied the Office Action dated August 14, 2006, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1, 4 and 6 have been amended and new claim 8 is added. No new matter has been added. Support for the new claims and the amendments are found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

The Examiner objected to Figures 1 and 7 of the drawings for failing to comply with MPEP § 608.02(g). In response, Applicant has amended Figures 1 and 7. Replacement sheets including amended Figures 1 and 7 are provided. Accordingly, it is respectfully submitted that the objection to the drawings should be withdrawn.

**Claim Objections:**

Objections to claims 4 and 6 are now overcome, as the claims have been amended to correct typographical errors noted by the Examiner.

**112 Rejection:**

Rejection of claims 4 and 6 are now overcome, as the claims have been amended to correct typographical errors noted by the Examiner.

**102 Rejection:**

Claims 1-3 and 4-7 are rejected under 102 as anticipated by US5,995,639 (MacInnis) and US2002/0012347 (Fitzpatrick), respectively.

Independent claims 1, 4 and 6 have been amended to more particularly claim the subject matter of the invention as it applies to a local server connected to a plurality of appliances in a home, such that new software code for each appliance is downloaded from a remote server to the local server and then stored on one or more of the plurality of

appliances. The local server thus in effect acts as a conduit between the home appliance and a remote server to control and select the downloaded content. As such, without the local server each appliance cannot either directly or indirectly download the new software code.

MacInnis is directed to a method for broadcasting programming information to a group of home communication terminals (HTC) in a cable television network. Each HTC is directly connected to a remote source so that the remote source can directly broadcast or multicast data to each HTC. Unlike the claimed invention, no local server is provided in MacInnis through which the claimed downloading and replacing processes can be centrally controlled for each of the plurality of HTC. As such, each HTC is individually responsible for monitoring the download process.

In contrast, as recited in amended claims 1, 4 and 6, the present invention operates by way of a centralized local home server, which determines which one of the appliances connected to it in a local home network require a software update. Thus, MacInnis teaches away from the claimed invention by requiring that each HTC individually and independently perform the actions required to download the programming information from a remote server.

Referring to MacInnis, particularly col. 1, lns. 42-61, MacInnis further teaches away from the claimed invention by emphasizing that the disclosed system in MacInnis is designed to eliminate a “two-way” communication between the terminal and the remote server (headend). This teaching is in contradiction to the claimed invention which provides for a two-way (request-reply) communication between the home server and the remote source.

Since MacInnis teaches away from the claimed invention in claim 1, in several different aspects, it is respectfully submitted that it is not a proper reference. Further more,

as discussed above, MacInnis fails to teach all the elements of the claimed invention such as a local server and other recited relationships between the home appliances and the remote server that result in download of the proper software code to the local network.

Therefore, amended claim 1 is patentably distinguishable from MacInnis and should be in condition for allowance. Claims 2-3 depending on claim 1 should be also in condition for allowance by the virtue of their dependence on an allowable base claim.

With respect to claims 4-7, the Examiner has cited Fitzpatrick. Fitzpatrick is related to downloading program code from a remote source directly to a set-top-box (STB). The STB is individually responsible for processing the downloaded information for a specific descriptor to determine whether the downloaded data is a match for the STB and should be installed (see par. [0059]).

Referring to the amended claims 4 and 6, Fitzpatrick suffers from the same deficiencies as MacInnis in that it teaches away from the use of a central home server to request, download and process the information provided from the remote source. As such, Fitzpatrick also is not a proper 102 reference and also fails to teach every recited element in claims 4 and 6. Therefore, claims 4 and 6 are patentably distinguishable from Fitzpatrick and should be in condition for allowance.

Claims 5, 7 are dependent on claims 4 and 6 respectively and should be therefore in condition for allowance as well. Claim 8 substantially incorporates the elements of independent claims 4 or 6 and should therefore be in condition for allowance as well.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles,

California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Date: December 14, 2006

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